IN THE HIGH COURT OF JUDICATURE FOR RAJASTHANA AT JODHPUR
ORDER

Shamsher Singh vs. Board of Revenue, Ajmer & Ors.
(S.B.Civil Writ Petition No. 4637/06)

Dated: 30.10.2007.

HON'BLE MR.JUSTICE SANGEET LODHA

Mr.S.L.Jain, for the petitioner.

BY THE COURT:-

This writ petition is directed against order dated 29.9.2005 passed by the Board of Revenue, Rajasthan, Ajmer, whereby a revision petition preferred by the petitioner under Rule 23(2) of Rajasthan Colonisation(Allotment and Sale of the Land in I.G.N.P.Area) Rules, 1975 , against an order dated 18.9.2002 passed by the Revenue Appellate Authority , Sri Ganganagar , has been rejected.

The brief facts leading to filing of the present writ petition are that the petitioner was allotted 12 bighas land on 14.10.1980. The land was allotted to the petitioner in "Jalsa Aam" for which a public notice was issued. After allotment as aforesaid, the petitioner did not take care to take the possession of the land. The allotment made in favour of the petitioner was cancelled vide order dated 30.6.1982. Before cancellation of the allotment , a notice was sent to the petitioner at his address but, the same was received unserved, therefore, the notice was got

published in the newspaper.

It is contended by the learned counsel that the petitioner did not receive any information about the allotment of the land to him. Further, while passing the order on 14.10.80, the date and time for handing over the possession was not fixed. The learned counsel submits that the petitioner had no knowledge about the publication of the notice in the newspaper. Therefore, the cancellation of allotment made in favour of the plaintiff vide order dated 30.6.82 is unjustified.

It is to be noticed that the appeal was preferred by the petitioner against the cancellation of allotment after a period of about 14 years 5 months. Assuming that the petitioner had no personal intimation regarding the allotment made but, then it is unbelievable that a person aspirant for the allotment will not make any efforts to find out the fate of his application for allotment. Moreover, the cancellation of the allotment has been made by the competent authority after following the due process of law.A person sitting in abject silence for a period of more than 14 and half years cannot be permitted to assail the validity of the cancellation of allotment on the ground that he could not inquire about the status of his application for allotment for all these years on account of illness or adverse family circumstances.

For the reasons stated in the order dated 18.9.2002, the Appellate Authority has committed no error in rejecting the

appeal preferred by the petitioner. For the parity of reasons, the order passed by the learned Board of Revenue rejecting the revision petition of the petitioner also does not suffer from any infirmity or illegality.

In the result, the writ petition fails , it is hereby dismissed with no order as to costs.

(SANGEET LODHA),J.